



POLICE DEPARTMENT CITY OF NEW YORK

June 23, 2017

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Gwendolyn Bishop
Tax Registry No. 952470
76 Precinct
Disciplinary Case No. 2016-15977

Charges and Specifications:

1. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, did fail to comply with a direction from Sergeant Elio Ponzo, in that on or about February 17, 2016, said Sergeant directed said officer to not do a vertical patrol alone and said officer did fail to comply with that direction on February 20, 2016. (*As amended*)
P.G. 203-03, Page 1, Paragraph 2 – COMPLIANCE WITH ORDERS
P.G. 212-59, Page 1, Paragraphs 1 & 2 – COMMAND OPERATIONS –
INTERIOR PATROL
2. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, on or about February 17, 2016 engaged in conduct prejudicial to the good order and efficiency of the Department, to wit: said officer posted on the NYPD Page, "Sad Day for the 76, Black Lives Matter," in violation of Department Social Media Policy.
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT
I.O. 22 – DEPARTMENT SOCIAL MEDIA ACCOUNTS AND POLICY
3. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, on or about April 13, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit: said officer failed to answer radio transmissions on four occasions.
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT
P.G. 202-23, Page 1, Paragraph 4 – RADIO MOTOR PATROL OPERATOR
4. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, on or about April 18, 2016, engaged in conduct prejudicial to the good order and efficiency of the Department, in that said officer was observed by Sergeant Elio Ponzo off post; thereby having failed to notify said Sergeant she was going off post.
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT
P.G. 206-03, Page 1, Paragraphs 1 & 16 – DISCIPLINARY MATTERS
5. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, on or about May 4, 2016, failed to comply with a direction given by Lieutenant Robert Mosca, in that said

Lieutenant directed said Officer to follow proper procedures regarding taking off for sick time and said Officer instead, went to Captain John Sanford and received permission to take loss time, negating to inform Captain Sanford that she had already been directed to follow the sick procedure. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT

P.G. 203-03, Page 1, Paragraph 2 – COMPL[IA]NCE WITH ORDERS

6. Said Police Officer Gwendolyn Bishop, while assigned to the 76th Precinct, on or about February 20, 2016, was discourteous to Sergeant Elio Ponzo, in that while Sergeant Ponzo was explaining to said officer the importance of not doing a vertical patrol alone, said officer began mocking Sergeant Ponzo in a condescending tone. *(As amended)*

P.G. 203-09, Page 1, Paragraph 2 – PUBLIC CONTACT

Appearances:

For the Department: Penny Bluford-Garrett, Esq.
Department Advocate's Office
One Police Plaza, 4th Floor
New York, NY 10038

For the Respondent: John P. Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

Hearing Dates:

March 23 and 28, 2017

Decision:

Guilty

Trial Commissioner:

ADCT David S. Weisel

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before the Court on March 23 and 28, 2017. Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. The Department called Sergeant Elio Ponzo, Police Officer Richard Lynn, Police Officer Aamar Ahmad, Lieutenant Steven Rios, Sergeant Sean Bradley, Police Officer Jonathan Badillo, Sergeant Anthony Manto, and Lieutenant Robert Mosca as witnesses. Respondent testified on

her own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, the Court finds Respondent Guilty of the charged misconduct.

FINDINGS AND ANALYSIS

The matters raised in this case involve several disputes between Respondent and supervisors at her command, the 76 Precinct. On most of the dates in question, Respondent was assigned to foot posts in or near housing projects located within the confines of the 76 Precinct. It is undisputed that on February 20, 2016, Respondent performed an interior patrol (formerly known as a vertical patrol) in a building of the Gowanus Houses, development of the New York City Housing Authority. She later had an interaction with Sergeant Elio Ponzo concerning that action. It is charged that Respondent, by performing the interior patrol alone, violated a prior directive by Ponzo not to perform such patrols alone, for safety reasons. It is further alleged that Respondent was discourteous to Ponzo when he re-instructed her about the issue, by "complimenting" Ponzo in a sarcastic tone.

It is also undisputed that a few days earlier, on February 17, 2016, Respondent placed a reply on the 76 Precinct's official Twitter page. The command's post was about an arrest that resulted in the seizure of several firearms. In her reply, Respondent wrote, in sum and substance, "Sad day for the 76, #blacklivesmatter." It is alleged that this violated the Department's social media policy.

The next set of charges relate to dates in the months after. On April 13, 2016, Respondent allegedly failed to answer her radio. On April 18, 2016, Respondent was allegedly off her foot post without permission. She contended that because her partner was taking a

personal break or "personal" to eat something in the rear of a police vehicle, and she had been instructed to remain with him, she had to go off post as well.

Finally, it was undisputed that on May 4, 2016, Respondent asked the platoon commander, Lieutenant Robert Mosca, for lost time because she was not feeling well. The lieutenant told Respondent that she needed to follow the procedure for going out sick. Respondent approached the executive officer, Captain John Sanford, instead, who allowed her to take lost time, without telling him that the lieutenant already had denied this. It is alleged that Respondent's action was improper.

February 17-20, 2016: Specification Nos. 1, 2 and 6

SERGEANT ELIO PONZO was assigned to the 76 Precinct and supervised Respondent as part of his squad since around the end of 2015. On February 20, 2016, Ponzo was assigned as the patrol supervisor. At approximately 1830 hours, he went to the Gowanus Houses to inspect one of the precinct's posts there. Ponzo noticed that **POLICE OFFICER AAMAR AHMAD**, who was assigned to a foot post there with Respondent, was by himself. He asked Ahmad where Respondent was but he did not know. Ponzo then heard Respondent go over the radio as doing an interior patrol. It was improper for either officer to work alone in this way, according to Ponzo. He had instructed Respondent a few days earlier on this issue. Respondent, having just returned from meal, should have met back up with Ahmad (Tr. 9-11, 13-15, 19-20, 30-31, 34-36, 43, 47, 58).

Ponzo testified that he and his driver, **POLICE OFFICER RICHARD LYNN**, found Respondent inside one of the Gowanus buildings, speaking on the telephone to her delegate. She was looking to generate activity. Ponzo instructed Respondent to return to post. Once Ponzo, Respondent and Ahmad were at the post, Ponzo inspected their memo books and memorialized the instruction to both of them not to perform interior patrols alone (Tr. 15-18, 31, 34, 41, 45).

Ponzo testified that Respondent began "humming," and saying, in a condescending and "unprofessional" manner, "[O]h, good job, Sarge. Good job." Ponzo told Respondent to watch her attitude (Tr. 18, 20, 23, 44-46).

Lynn testified and concurred that he and Ponzo encountered Ahmad by himself. They then heard Respondent over the radio as doing an interior patrol, even though she had been instructed a day or two prior to stay together. Respondent had answered that she preferred to work alone. When Ponzo was signing the memo books of Respondent and Ahmad, Respondent asked Ponzo what her post was. When Ponzo told her to wait a second, she began humming, as though she was waiting for him to finish. Ponzo returned their books and Respondent, in a sarcastic tone, said, "[G]ood job, Sergeant," gave him the thumbs-up sign, and walked away. Ponzo said, "[E]xcuse me . . . I was talking to you" and got out of the vehicle to address her (Tr. 88-96).

Ahmad testified that he was assigned on February 20, 2016, to a foot post within the Gowanus Houses. He agreed that Ponzo at some point prior instructed "when we were on a post" to "stay together." Nevertheless, Ahmad heard Respondent go over the radio as performing an interior patrol by herself. Ahmad knew that Respondent was by herself because Badillo had gone to meal and the post had been changed to another location within the Gowanus Houses. When Ponzo confronted Respondent, she said that she did not know where everyone was because she had been on meal. She then said something to Ponzo along the lines of "good job" or "keep up the good work." Ponzo told her, "[Y]ou know, I am trying to look out for you" (Tr. 113-18).

LIEUTENANT STEVEN RIOS was the integrity control officer for the 76 Precinct. He learned that on February 17, 2016, at 1523 hours, the command's official Twitter account made a posting along the lines of "one more gun off the streets." There was an accompanying

photograph of the recovered firearm. Between 1610 and 1616 hours, three replies to the @NYPD76Pct post were made by @ [REDACTED]. The name attached to this handle on the Twitter profile was Victoria Bishop. Respondent's full name is Gwendolyn Victoria Alicia Bishop. The replies were "#bluelivesmatter," "sad Day for the 76 #BlackLivesMatter," and "sad day for 76 #bluelivesmatter" (Tr. 128-32, 137, 139-40, 144, 147; Ex. 2, printout of Twitter excerpt).

Rios cross-referenced the profile picture for the @ [REDACTED] account photograph and found that it appeared on Respondent's Facebook account several times. In her official Department interview, Respondent claimed not to recall if it was her Twitter account, as she rarely used Twitter. She acknowledged her Facebook account, however (Tr. 132-35, 147-49, 151).

According to Rios, Respondent's comments on the 76 Precinct's Twitter page violated the Department's social media policy in place on February 17, 2016. That policy, Operations Order 22 of 2014, (3)(a), directed that no member of the service may "post" social media "content" on an official Department social media platform without authorization from the Deputy Commissioners Public Information or Strategic Initiatives. In Rios's view, Respondent's replies constituted "posts" and "bec[a]me part of the official 76 page" (Tr. 135, 143-44).

RESPONDENT testified that she had worked on patrol for about three years. Originally she was assigned to day tours, but was switched to the third platoon in the beginning of February 2016. She "really wasn't given a full explanation as to why" (Tr. 154-55).

On February 20, 2016, Respondent was assigned to a foot post in the Gowanus Houses with Ahmad as her partner. She had her meal at 1700 hours at the 76 Precinct stationhouse. Even though she saw both Mosca and Ponzo during the hour, neither of them told her of any post change. Nor did she hear anything about it over the radio. When she returned to the Gowanus

Houses, she did not see either Ahmad, so she decided to perform an interior patrol in one of the buildings. She admitted that she did not try to raise Ahmad on the radio. When Ponzo found her and told her not to leave a fellow officer alone or do an interior patrol by herself, she said that she assumed Ahmad's post had been changed. She denied at trial that Ponzo had a conversation about this in the past (Tr. 155-60, 179-81).

Respondent agreed that Ponzo directed her to meet him and Ahmad at the new post. While there, Ponzo re-instructed her. She responded something along the lines of "[K]eep up the good work." She claimed not to recall what she meant by this but contended that she was not being sarcastic. She contended that she had "nothing really negative" to say and the interaction had not been "anything to be happy or upset about." She was "indifferent" to his instructions. Nevertheless, Respondent contended that Ponzo got out of his vehicle and approached in a "threatening manner." She was "a little shocked" because prior to this, he merely had been instructing her on procedure (Tr. 160-62, 182-83, 195).

Respondent testified that although she had a Twitter account, she was not active and did not really know how it worked. She only "vaguely remember[ed] this whole situation" but admitted making the Twitter replies in question. Her intent on February 17, 2016, was to write "Sad day for the 76, Blue Lives Matter." She claimed not to recall why she wrote that it was a sad day for the command, but she believed it could have been because there were "a lot of changes that were going on in my precinct at that time . . . a lot of people their tours were being switched and whatnot." Respondent indicated that the hashtag auto-filled one of her replies as #BlackLivesMatter. Racial issues had nothing to do with what she was trying to say (Tr. 163-66, 183-84, 186-88, 196-97).

Analysis

The first specification charges that Respondent, on or about February 17, 2016, was instructed not to do interior patrols by herself, and that she disobeyed this order on February 20, 2016. It is undisputed that Respondent performed an interior patrol on her own on the second date. Therefore, the only questions are whether she received that order and whether it was a lawful order.

Ponzo, Lynn and Ahmad all testified that there had been a prior instruction not to do interior patrols alone. Ponzo and Lynn specified that it had been within a few days before February 20, 2016. Respondent denied that Ponzo gave her this prior instruction.

The Court credits the recollections of the three Department witnesses over Respondent's denial. It is not just the amount of witnesses. It is that, by her own admission, Respondent was operating in a state of annoyance over how things were going at the command. Her tour was changed from the second to third platoon unexpectedly, and as she specifically noted in her testimony, without explanation. Apparently she was having issues finding activity in her new tour. She noted that her superiors failed to tell her about a post change. She was so upset about the changes occurring in the command that she tweeted about it on the 76 Precinct's Twitter page. This is consistent with Respondent failing to heed orders like not performing interior patrols alone.

In any event, the Interim Order revision of Patrol Guide § 212-60 that renamed the practice as interior patrol (June 8, 2010) stated that supervisors must assign at least two officers to conduct them (19). The new procedure, in place as of April 25, 2017, reiterates this safety concern, stating that supervisors are to instruct the officers on interior patrol that, absent exigent circumstances, two or more officers must remain together at all times (19). All of this is

consistent with Ponzo giving the instruction not to perform interior patrols alone, and that it was a lawful order. As such, Respondent is found Guilty of Specification No. 1.

Specification No. 6 charges that while Ponzo was re-instructing Respondent on not doing interior patrols by herself, she began “mocking” him in a “condescending” tone. Ponzo testified that he found her tone in saying “Good job, Sarge” to be condescending and unprofessional. Lynn testified that he found her to be “kind of” sarcastic. Ahmad recalled the remark as possibly being “Keep up the good work,” which is what Respondent testified it was. She claimed not to recall what she meant by this.

There is no reasonable interpretation of the events other than discourtesy. In light of Ponzo and Lynn’s recollections, the fact that Respondent was humming impatiently as Ponzo scratched her memo book, her claimed lack of knowledge as to what she meant, and her aforementioned problem with having been switched to the third platoon – exemplified by her Twitter remarks a few days before this incident – the Court finds that Respondent was discourteous. Thus, she is found Guilty of Specification No. 6.

The second specification charges that Respondent violated the Department’s social media policy by writing “Sad Day for the 76, Black Lives Matter.” This actually was only one of the three posts Respondent undisputedly made on February 17, 2016, and the only one to use the #BlackLivesMatter hashtag. The two others also called it a “sad day for the 76,” but used the #BlueLivesMatter hashtag. Nevertheless, the Department’s position at trial was that the charged Twitter remark, regardless of the language used, violated Operations Order 22 of 2014, (3)(a) (June 17, 2014), which directed that no member of the service may “post” social media “content” on an official Department social media platform without authorization from the Deputy Commissioners Public Information or Strategic Initiatives. This rule is maintained in the current Patrol Guide procedure, § 203-28, p. 2, Additional Data, Department Policy (Apr. 15, 2016).

Respondent argued that her remarks did not constitute a "post" on Twitter. According to counsel, she was merely *replying* to a "post" made by the 76 Precinct's official page (Tr. 202-03). The tribunal rejects this argument. Although the terms "post" and "content" are not further defined by the Operations Order or Patrol Guide, a definition can be obtained from the context in which Twitter and similar sites exist. For example, the Family Courts have, where appropriate, put language in orders stating that one parent shall not "post" on social media sites any mention of the other parent, the couple's child, or any member of the other parent's household, i.e. a new girlfriend or boyfriend. See, e.g., Matter of Driscoll v. Oursler, 146 A.D.3d 1179, 1181 (3d Dept. 2017). It would be incongruous for such an order to bar the parent from posting negative content on her own Facebook or Twitter page, but not from posting such derogatory content as a reply to someone else's post. Both would be considered "posts" because both essentially accomplish the same purpose: placing an opinionated public message on the site. So should the result be here. Respondent is accordingly found Guilty of Specification No. 2.

April 13, 2016: Specification No. 3

SERGEANT SEAN BRADLEY was assigned as the patrol supervisor on April 13, 2016. At a certain point, he needed to inspect Respondent and **POLICE OFFICER JONATHAN BADILLO**, who were assigned to a post at the intersection of Hoyt and Baltic Streets. Bradley twice tried to raise them on the radio, but they did not respond. On the third attempt by the radio dispatcher, Respondent answered. They stated their position as Smith and Union Streets, which was on the way from their post to the 76 Precinct stationhouse. Bradley instructed them to return to post. Upon doing so, Badillo said that his radio was not working. When Bradley inspected Badillo's radio at the stationhouse later on, however, it was working. Bradley asked Respondent why she did not respond to the radio the first few attempts; she had no answer (Tr. 67-74).

Badillo testified that he did not notice until perhaps the sixth time that central dispatch was trying to raise them on the radio. His battery had died sometime during the tour. He admitted, however, that he heard Respondent's radio the sixth time. He also admitted that he accepted a command discipline for failing to answer his radio (Tr. 98-100, 105, 109).

Respondent affirmed that Badillo's radio was not working, but they did not realize this until Respondent's radio was raised. She did not recall how many times she was raised, but she responded as soon as she heard it. According to Respondent, Bradley confirmed that Badillo's radio was *not* working (Tr. 166-67, 170, 190).

Analysis

Respondent gave no explanation of the undisputed fact that she did not answer her radio upon being raised. She was raised several times and failed to answer promptly. She gave no explanation of why she failed to hear it. The supposed failure of Badillo's radio, and where he and Respondent were heading at the time, are irrelevant. Therefore, Respondent is found Guilty of Specification No. 3, failing to answer radio transmissions on four occasions on April 13, 2016.

April 18, 2016: Specification No. 4

Ponzo again was assigned as the patrol supervisor on April 18, 2016. Respondent again was assigned to a foot post near the Gowanus Houses, this time Baltic Street between Hoyt and Bond Streets. He observed Respondent and Badillo sitting in the back seat of a police vehicle from Police Service Area 1, which covered the 76 Precinct, parked on that block. Two officers from PSA 1 were in the front seat (Tr. 23-27, 53, 55).

Ponzo directed Badillo and Respondent to get out of the car. Ponzo asked them what was going on and whether they had notified a supervisor about being off post. Badillo told Ponzo that he notified the desk officer, Sergeant Anthony Manto. Respondent did not answer, however, when Ponzo asked from whom she had received permission to take a personal. Ponzo confirmed

with **SERGEANT ANTHONY MANTO** that Badillo received permission to have something to eat, but "[i]t was determined" that Respondent did not (Tr. 27-29, 53).

Manto confirmed in his testimony that Badillo called him on April 18, 2016, and asked permission to take a personal. Manto gave him permission. Respondent, however, never spoke to Manto that day (Tr. 61-62).

Badillo confirmed that Manto gave him permission to take a personal to eat something. He had not had a chance to leave the precinct to get anything during his meal period. But Badillo asked permission only for himself. When asked at trial whether Respondent was "also on a personal with you?," Badillo answered, "She was with me." He did not recall Respondent speaking to Manto (Tr. 100-02, 109-10).

Respondent conceded at trial that she was in the vehicle with Badillo, considered it to be her own personal, but had not asked for a personal herself because she was instructed previously not to leave her partner alone. She did not recall what she said to Ponzo when he asked if she had received permission (Tr. 172-73, 191-92).

Analysis

The charge in the fourth specification is that Respondent was off post without having notified Ponzo. Counsel argued that Respondent was not off post because it was undisputed she was sitting inside a vehicle parked on the block of her foot post (Tr. 204-05). The problem with this argument is that a foot post is by definition performed not in a vehicle. By entering the PSA vehicle, Respondent left her post without notifying Ponzo. Her argument that she had to follow Badillo on his personal wherever he went like a puppy because Ponzo had instructed her previously not to leave her partner is so juvenile and passive-aggressive as to merit no further discussion. Thus Respondent is found Guilty of Specification No. 4.

May 4, 2016: Specification No. 5

LIEUTENANT ROBERT MOSCA was assigned as the third platoon commander on May 4, 2016. He testified that Respondent approached him and asked if she could take lost time because she was not feeling well. Mosca instructed her that if she was not feeling well, she needed to follow the procedure for going sick and possibly receive medical attention (Tr. 76-79, 83-84).

Mosca then noticed Respondent going to the commanding officer's office. She returned filling out a '28' leave of absence form for lost time. The desk officer, Ponzo, told Mosca that he was instructed by the executive officer to grant Respondent's lost time. According to Mosca, it was improper for Respondent to have gone around his back to another supervisor (Tr. 78-83).

Respondent testified that her post on May 4, 2016, was stationhouse security during the 4x12 tour. About an hour and half into her tour, she did not feel well. She preferred on this occasion to take the lost time rather than go sick. She testified that Mosca directed her to ask the commanding officer if she could "leave early," and also asked if she wanted to go to the hospital. Respondent did not recall Mosca directing her to follow the sick procedure. When she declined to go to the hospital, Mosca asked the commanding officer on her behalf if she could leave. But Mosca did not give her an answer, so she went to the CO's office herself. The executive officer was there, and he told the desk to let Respondent take lost time (Tr. 174-78, 192-94).

Analysis

The charge in the fifth specification essentially is that Respondent went around Mosca's back by not following the sick procedure as he directed, and instead asking the executive officer, Captain John Sanford, for lost time, without saying that Mosca had denied it. Respondent told Mosca that she was not feeling well and wanted to go home only about an hour into her tour, which was stationhouse security. Mosca certainly was justified in suspecting that she really just wanted to go home. He called her bluff and directed her to go sick if she was sick. Respondent

acted improperly by short-circuiting Mosca's question to the commanding officer's office about whether she should be granted permission to take lost time. As such, she is found Guilty.

PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on July 11, 2012. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

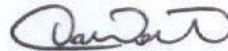
Discourtesy to supervisors and deliberate failure to follow procedures is not taken lightly in this paramilitary organization. A course of several acts of discourtesy, disobedience, and lack of adherence to Department regulations routinely leads to penalties of dismissal probation. Respondent also displayed a mendacious tendency to conveniently fail to recall the most basic of information.

The Department's citation to a case involving the forfeiture of 25 vacation days and placement on probation is thus on point. See *Case Nos. 2013-10705, 2014-11666 & -12567* (Mar. 22, 2016) (25 days and one year dismissal probation for 17-year police officer with no prior disciplinary record who, inter alia: [i] was inattentive on post while using his cell phone and turned away from area of concern, and replied sarcastically when questioned by a supervisor about this; [ii] failed to properly investigate an assignment of a suicidal person, when he merely rang doorbells in the building and nobody answered, as opposed to waiting for a supervisor and ESU to arrive; and [iii] failed to monitor his radio and was absent from post for approximately 40 minutes).

Accordingly, the tribunal recommends that Respondent be **DISMISSED** from the New York City Police Department, but that her dismissal be held in abeyance for a period of one year,

pursuant to Administrative Code § 14-115 (d), during which time she is to remain on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. The Court further recommends that Respondent forfeit 25 vacation days.

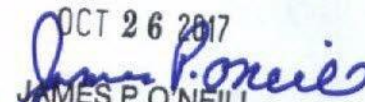
Respectfully submitted,



David S. Weisel
Assistant Deputy Commissioner Trials

APPROVED

OCT 26 2017



JAMES P. O'NEILL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER GWENDOLYN BISHOP
TAX REGISTRY NO. 952470
DISCIPLINARY CASE NO. 2016-15977

Respondent was appointed to the Department on July 11, 2012. She received an overall rating of 1.0 on her 2016 annual evaluation and received an overall rating of 3.0 "Competent" on her 2015 and 2014 annual evaluations. [REDACTED]

From September 19, 2016, through March 15, 2017, Respondent was placed on Level 1 Performance Monitoring based on the charges and specifications in the instant case. This disciplinary monitoring was upgraded to Level 2 on March 15, 2017, and remains ongoing. Respondent has no prior formal disciplinary history.

For your consideration.

David S. Weisel
Assistant Deputy Commissioner Trials